

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$25,180.00 IN UNITED STATES  
CURRENCY,

Defendant.

4:13-CV-3103

ORDER

This matter is before the Court on claimant John Anderson's motion for appointment of counsel (filing [58](#)) and supporting motion to proceed in forma pauperis (filing [60](#)). Pursuant to [28 U.S.C. § 1915\(e\)\(1\)](#), the Court "may request an attorney to represent any person unable to afford counsel." The Court must consider the factual and legal complexity of the underlying issues, the existence of conflicting testimony, and the ability of the indigent plaintiff to investigate the facts and present his claims. *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013); *Phillips v. Jasper Cnty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006). The Court finds that the criteria for appointment of counsel are satisfied in this case.

IT IS ORDERED:

1. The claimant's motions for appointment of counsel (filing [58](#)) and to proceed in forma pauperis (filing [60](#)) are granted.
2. Pursuant to [NEGenR 1.7\(g\)](#), [28 U.S.C. § 1915\(e\)\(1\)](#), and the inherent authority of the Court, the following counsel is appointed to represent the claimant:

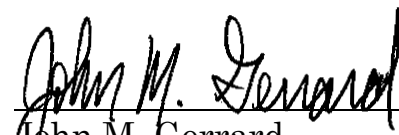
Jonathan J. Papik  
Cline Williams Wright Johnson & Oldfather, L.L.P.  
One Pacific Place  
1125 S. 103rd Street  
Omaha, NE 68124  
(402) 397-1700  
[jpapik@clnewilliams.com](mailto:jpapik@clnewilliams.com)

3. Counsel shall promptly enter an appearance accepting the Court's appointment.
4. Expenses and attorney fees shall be paid from the Federal Practice Fund under the restrictions set out in [NEGenR 1.7\(g\)](#) and this district's [Amended Federal Practice Fund Plan and the Federal Practice Committee Plan \(as adopted March 11, 2014\)](#). Counsel is particularly directed to Section II(A)(1)(a), Section VI(A)(1), and Attachment A of the [Amended Federal Practice Fund Plan](#), which explain what fees and expenses are authorized and how to seek reimbursement.
5. Any objection to the Magistrate Judge's Findings, Recommendation, and Order of June 9, 2014 (filing [56](#)) shall be filed on or before August 22, 2014.
6. On or before August 6, 2014, counsel for the parties shall contact the Magistrate Judge's chambers to set a status conference to discuss case progression.
7. The Clerk of the Court is directed to provide a copy of this order to the claimant by e-mail and by United States Mail using the following contact information:

John Anderson  
P.O. Box 3205  
San Clemente, California 92674  
(949) 681-8012  
[jander3@cox.net](mailto:jander3@cox.net)

Dated this 24th day of July, 2014.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge